

# Exhibit 27

**Barger, David G. (Shld-NVA-LT)**

**From:** Barger, David G. (Shld-NVA-LT)  
**Sent:** Monday, February 4, 2019 6:35 PM  
**To:** 'OIP.Complianceinquiry@usdoj.gov'  
**Subject:** RE: supplemental information to appeal DOJ-AP-2019-001474 and DOJ -AP-2019-001476, Attachments 1 and 3

Mr. Hibbard, on behalf of my client, Ashley Neese, I submitted a FOIA and Privacy Act appeal on December 7, 2018 with this office, and the Office of Privacy and Civil Liberties, both by email and by mail with a copy to the Office of Information Policy and to the Office of Privacy and Civil Liberties. The appeal numbers assigned by the Office of Information Policy are: DOJ-AP-2019-001474 and DOJ-AP-2019-001476. In the system, it shows a date received of December 11, 2018. It has now been well more than 20 working days since our appeal was received.

I followed up on my December 7, 2018, submission with a supplemental submission on December 28, 2018, and an email on January 16, 2019, inquiring about the status of the appeal. To date we have not received a response and the record system shows the submission only in the "assignment" phase. We have requested responsive and covered materials from various components of DOJ and the USAO over the past 9 months without a satisfactory response. In most instances we have simply been ignored. As a former longtime DOJ and USAO attorney, the failure of DOJ to comply with the law and its own policies is frankly appalling. We respectfully ask that this information, which is critical to my client, be provided to us immediately and in compliance with the law.

Respectfully, David Barger.



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EXHIBIT 27

**From:** Barger, David G. (Shld-NVA-LT)  
**Sent:** Wednesday, January 16, 2019 3:55 PM  
**To:** 'OIP.Complianceinquiry@usdoj.gov' <OIP.Complianceinquiry@usdoj.gov>  
**Subject:** RE: supplemental information to appeal DOJ-AP-2019-001474 and DOJ -AP- 2019-001476, Attachments 1 and 3

Mr. Hibbard:

On December 7, 2018, I submitted a letter to you, as the Chief, Initial Request Staff, with the Office of Information Policy, via email and via mail, noting an administrative appeal for FOIA and Privacy Act information that I previously requested from EOUSA, USAO-WDVA, and OPR (EOUSA-2018-004905 and OPR FOIA No. F18-00140) on July 20, 2018. I followed the submission of our appeal with another supplemental submission on December 28, 2018.

In response, we received assigned FOIA appeal numbers: DOJ-AP-2019-001474 and DOJ-AP-2019-001476. Presently, on the FOIAonline.gov website, the due date for us to receive responsive materials and information was January 10, 2019. To date, we have yet to receive any responsive materials or information in response to our appeals, or to receive any contact information for the assigned person handling this matter.

The FOIA statute, 5 U.S.C. 552(a), has time limits set forth for when information is to be provided in response. Pursuant to 5 U.S.C. § 552(a)(6)(A), "[e]ach agency, upon any request for records made under paragraph (1), (2), or (3) of this subsection, shall – (ii) make a determination with respect to any appeal within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal." Given the statutory requirements, we would request that the information be provided to us immediately, as we have been asking for it from various DOJ components since at least May 6, 2018.

Please also provide to us contact information for the person assigned to handle this matter. Thank you. David Barger.



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From: Barger, David G. (Shld-NVA-LT)

Sent: Friday, December 28, 2018 2:59 PM

To: 'OIP.Complianceinquiry@usdoj.gov' <OIP.Complianceinquiry@usdoj.gov>

Subject: FW: supplemental information to appeal DOJ-AP-2019-001474 and DOJ -AP- 2019-001476, Attachments 1 and 3

Dear Mr. Hibbard, please see the attached correspondence supplementing my client's appeal filed with you on December 7, 2018, Attachments 1 and 3. Regards. David Barger.



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